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15 **Attorneys for Plaintiff Allen M. Metzger**

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18

19 JOSEPH LEONE, individually and on behalf
20 all others similarly situated,

21 Plaintiff,

22 v.

23 S. TREZEVANT MOORE, JR.,
24 CHRISTOPHER J. ZYDA, ELEANOR
CORNFIELD MELTON, RONALD VIERA,
25 DIMITRIOS PAPATHEOHARIS AND
LUMINENT MORTGAGE CAPITAL, INC.,

26 Defendants

No. C-07-04073-JCS

CLASS ACTION

**DECLARATION OF NICOLE LAVALLEE
IN SUPPORT OF ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
CASES SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 3-12 AND 7-11**

27 *Caption continues on following page.*
28

[C-07-04686-MHP] LAVALLEE DECL ISO ADMIN MTN
TO CONSIDER WHETHER CASES SHOULD BE RELATED

ALLEN M. METZGER, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

LUMINENT MORTGAGE CAPITAL, INC.,
GAIL P. SENECA, SEWELL TREZEVANT
MOORE, JR., and CHRISTOPHER J. ZYDA,

Defendants.

No. C-07-04686-MHP

CLASS ACTION

I, Nicole Lavallee, declare as follows:

1. I am a partner in the San Francisco office of Berman DeValerio Pease Tabacco Burt & Pucillo. I submit this declaration in support of the Administrative Motion to Consider Whether Cases Should Be Related Pursuant to Civil L.R. 3-12 and 7-11.

2. Attached hereto as Exhibit A is a true and correct copy of the class action complaint entitled *Leone v. Moore, et al.*, Case No. C-07-04073-JCS, filed on August 8, 2007 and assigned to the Honorable Joseph C. Spero.

3. Attached hereto as Exhibit B is a true and correct copy of the class action complaint entitled *Rosenbaum Capital LLC v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04096-SI, filed on August 9, 2007 and assigned to the Honorable Susan Illston.

4. Attached hereto as Exhibit C is a true and correct copy of the class action complaint entitled *Howard J. Kaplowitz IRA v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04140-PJH, filed on August 10, 2007 and assigned to the Honorable Phyllis J. Hamilton.

5. Attached hereto as Exhibit D is a true and correct copy of the class action complaint entitled *Greenberg v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04141-SBA, filed on August 13, 2007 and assigned to the Honorable Sandra B. Armstrong.

6. Attached hereto as Exhibit E is a true and correct copy of the class action complaint entitled *PEM Resources LP v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04184-WHA, filed on August 15, 2007 and assigned to the Honorable William H. Alsup.

7. Attached hereto as Exhibit F is a true and correct copy of the class action complaint entitled *Metzger v. Luminent Mortgage Capital, Inc., et al.*, Case No. C-07-04686-MHP, filed on September 11, 2007 and assigned to the Honorable Marilyn Hall Patel.

8. All of these actions allege that defendants made materially false and misleading statements regarding Luminent's business and financial results.

I hereby declare under penalty of perjury that the foregoing is true and ~~correct~~.

Executed this 14th day of September 2007, at San Francisco, California.

~~NICOLE LAVALLEE~~